



August 14, 2019

Marketing and  
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Freedom of  
Information

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**Re: FOIA Request # 2019-APHIS-04738-F**

Dear Mr. Tobias:

This is a final response to your Freedom of Information Act (FOIA) request dated June 17, 2019, and received in this office on June 18, 2019. You requested copies of the following records:

*“Any and all field reports, field specialist logbook entries, and Form 12s associated with the killing of 7 kit foxes by Wildlife Services in 2018.”*

Your request was forwarded to the Wildlife Services (WS) to search for responsive records. WS began their search for records responsive to your request on June 21, 2019 and located the enclosed 15 pages responsive to your request. Please note that certain information has been withheld pursuant to FOIA Exemption 3, 5 U.S.C. § 552(b)(3), and Exemption (b)(6).

**Exemption 3:**

The agency has redacted information on the responsive pages in accordance with Exemption 3 of the FOIA, 5 U.S.C. 552(b)(3). Exemption 3 of the FOIA permits the agency to withhold information if another federal statute prohibits disclosure of that information. Prior to invoking this exemption the agency must ensure that the federal statute either (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld. 5 U.S.C. § 552(b)(3).

Section 1619 prohibits the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, from disclosing: (a) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or (b) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (a) is provided. 7 U.S.C. § 8791(b)(2). Therefore, Section 1619 meets the threshold of FOIA Exemption 3(A), because it leaves the agency no discretion.

The responsive records contain information provided by agriculture producers or landowners concerning their land or agricultural operations in order to obtain predator

damage services offered by Wildlife Services. Specifically, we are withholding the producer, ranch/business names, addresses and phone numbers.

Furthermore, we are withholding geospatial information of an agriculture producer on private land which is being used for agricultural operations, where the agriculture producers provide information to participate in a program of the Department.

**Exemption 6:**

Additional information has been withheld under Exemption 6, 5 U.S.C. 552 (b)(6). Exemption 6, permits the government to withhold from “personnel and medical files and similar files” information about individuals when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” We have determined that these records meet the definition of “similar” files, because they contain information pertaining to individuals.

In order to determine whether a document may be withheld under Exemption 6, an agency must undertake a three-step analysis. First, the agency must determine whether a significant privacy interest would be compromised by the disclosure of the record. Second, the agency must determine whether the release of the document would further the public interest by shedding light on the operations and activities of the Government. Third, the agency must balance the identified privacy interests against the public interest in disclosure.

APHIS is withholding the names of the agricultural producer and other identifying information. APHIS is also withholding the names of WS employees conducting depredation activities. Release of identifying information about agricultural producers who participate in WS programs could subject them to unwanted contact and harassment. Similarly, in addition to unwanted contact, release of the identities of WS employees who engaged in depredation could also result in harassment due to their involvement in WS depredation management activities.

As information regarding the agency’s activities will be disclosed, release of the identifying information about specific participating individuals would not shed additional light on the activities of the government. Notably, the agency has released substantive information regarding the agency’s activities, and has redacted only identifying information where necessary to protect privacy.

You may contact Ms. Sophie Lau-Lopez, the analyst who processed your request, at (301) 851-4083 or by email to [Sophana.N.Lau\\_Lopez@usda.gov](mailto:Sophana.N.Lau_Lopez@usda.gov), as well as Ms. Bethany Jones, our FOIA Public Liaison, at (301) 851-4100 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to: **Administrator, Animal and Plant Health Inspection Service, Ag Box 3401, Washington, DC 20250-3401.**

Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response letter. If you choose to appeal, please refer to **2019-APHIS-04738-F** in your appeal letter and add the words "FOIA Appeal" to the front of the envelope. To assist the Administrator in reviewing your appeal, please provide specific reasons why you believe modification of the determination is warranted.

Sincerely,

For:  
Tonya G. Woods  
Director  
Freedom of Information & Privacy Act  
Legislative and Public Affairs

Enclosures